

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Edward John Hosch,

Plaintiff,

vs.

United Bank, Inc.,

Defendant.

Civil Action No. 4:09-cv-01490-TLW

ORDER OF DEFICIENCY JUDGMENT

This matter is before the Court on Motion for Entry of Order for Deficiency Judgment filed on April 30, 2013 by Defendant, United Bank, Inc. (“defendant”). Pursuant to this Court’s Order on defendant’s Motion for Entry of Judgment on its Counterclaim for Foreclosure issued on December 16, 2012 (Doc. #251), defendant is entitled to a personal deficiency judgment against Plaintiff Edward John Hosch as follows:

Amount of foreclosure judgment as of October 1, 2012	<u>\$584,398.94¹</u>
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Plus: Interest at 8.25% per annum on the principal balance (\$578,551.74) ² from October 2, 2012 through December 16, 2012 (76 days at \$130.7685 per day)	<u>\$ 9,938.41</u>
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SUBTOTAL JUDGMENT AMOUNT AS OF DECEMBER 16, 2012	<u>\$594,337.35</u>
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Plus: Interest at 8.25% per annum on the Subtotal Judgment Amount from	<u>\$ 11,687.28</u>
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¹ The amount of the foreclosure judgment represents the total indebtedness due United on the Notes and Mortgages relating to 742 First Avenue and 746 First Avenue, as set forth in this Court’s December 16, 2012 Order. (Doc. #251).

² The principal balances due and owing by Hosch under the 742 First Avenue Note and 746 First Avenue Note are \$276,831.57 and \$301,720.17, respectively. (See Doc. #245-1 at 2; Doc. #251 at 4-5).

December 17, 2012, through March 13,
2013 (87 days at \$134.3365 per day)

TOTAL JUDGMENT AMOUNT
COMPUTED ON CLOSE OF SALE ON
MARCH 13, 2013

\$606,024.63

Plus: Total Attorney's Fees and Total
Costs of Defendant United

\$363,395.85³

TOTAL JUDGMENT DEBT

\$969,320.48

Less: NET SALES PROCEEDS
(CREDIT BID)

\$ 60,000.00⁴

**TOTAL AMOUNT OF PERSONAL
DEFICIENCY JUDGMENT
ENTERED AGAINST EDWARD
JOHN HOSCH**

\$909,320.48

The Court notes that plaintiff has not objected to the defendant's motion seeking entry of personal deficiency judgment against him, nor has plaintiff objected to the amount of the judgment requested by the defendant. The Court finds it appropriate to reduce the amount requested by the defendant for the reasons outlined herein.

³ Defendant submitted a Bill of Costs on August 23, 2012, following the jury trial in this case. (Doc. #232). On September 4, 2012, plaintiff filed Objections to the Bill of Costs. (Doc. #235). In the objections, plaintiff challenged the Defendant's inclusion of the investigative deposition and the videotaping costs on its Bill of Costs. (See Doc. #235). The Court finds that both the investigative deposition and videotaping costs were reasonable and necessary for trial. Accordingly, plaintiff's objections (Doc. #235) are overruled.

⁴ The Court finds that the defendant's requests for costs in the amount of \$1,026.00 and \$232.80 incurred through the foreclosure proceedings were noted in both the defendant's original Declaration of Attorney's Fees and Costs (Doc. #245-2 at 3-4) as well as in the Motion for Entry of Order for Deficiency Judgment. Accordingly, the Court has accounted for these costs only once, in the calculation of attorney's fees and total costs of defendant.

Accordingly, it is **HEREBY ORDERED** that Defendant's Motion for Entry of Deficiency Judgment (Doc. #258) is hereby **GRANTED** as outlined herein. Defendant United Bank, Inc. is hereby awarded a personal deficiency judgment against Plaintiff Edward John Hosch in the amount of \$909,320.48. The total amount of the personal deficiency judgment will accrue interest at the rate of 8.25% per annum from the date of entry of this Order until fully satisfied.

IT IS SO ORDERED.

s/ Terry L. Wooten
The Honorable Terry L. Wooten
Chief United States District Judge

May 23, 2013
Columbia, South Carolina